

Message Text

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ORIGIN TRSE-00

INFO OCT-01 EA-07 ISO-00 EB-07 COME-00 L-03 AID-05 CIAE-00

FRB-03 INR-07 NSAE-00 USIA-06 XMB-02 OPIC-03 SP-02

CIEP-01 LAB-04 SIL-01 OMB-01 /053 R

DRAFTED BY TREASURY:POSUCHMAN:CLJ

APPROVED BY EB/OT/STA:WCLARK,JR.

EA/PHL:RTWILLNER

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P 232258Z SEP 75

FM SECSTATE WASHDC

TO AMEMBASSY MANILA PRIORITY

LIMITED OFFICIAL USE STATE 226954

E.O. 11652: N/A

TAGS: ETRD, RP

SUBJECT: CERAMIC TILE -- COUNTERVAILING DUTY CASE

REFS: A) MANILA 13099; B) MANILA 12508; C) MANILA 11891;
D) STATE 181999

1. THIRTY-DAY PERIOD FOR PUBLIC COMMENT REFERRED TO IN REFTTEL A) IS GENERAL LEGAL REQUIREMENT APPLICABLE TO ADMINISTRATIVE DECISION MAKING AND SHOULD NOT BE VIEWED AS CUT-OFF DATE FOR SUBMISSION OF ADDITIONAL DATA BY EMBASSY, GOP OR OTHER INTERESTED PARTIES. ANY INFORMATION RECEIVED PRIOR TO DETERMINATION WILL BE GIVEN FULL CONSIDERATION. IT IS UNLIKELY FINAL DECISIONS WILL BE FORTHCOMING IN THIS CASE UNTIL END OF YEAR AT EARLIEST, GIVEN TREASURY CASE-LOAD AND RESOURCES. THEREFORE FORMAL EXTENSION REQUESTED BY REF A) IS UNNECESSARY.

2. IN REGARD TO NUMEROUS POINTS MADE BY EMBASSY IN REFS B)
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AND C) WE ARE POUCHING INFORMATION WHICH MAY BE OF SOME HELP TO EMBASSY STAFF IN BETTER UNDERSTANDING SUBSTANCE OF STATUTORY PROVISIONS AND PRECEDENTS.

3. ANY RELEVANT FACTS AVAILABLE TO EMBASSY WHICH APPEAR TO CONFLICT WITH THOSE DEVELOPED DURING INVESTIGATION SHOULD BE BROUGHT TO ATTENTION AND DISCUSSED WITH CUSTOMS REPRESENTATIVE SO THAT HE MAY SUBMIT VERIFIED SUPPLEMENTARY DATA PRIOR TO FINAL DETERMINATION. REQUEST EMBASSY ALSO FORWARD TO DEPT. ANY SUCH INFORMATION.

4. DEPARTMENT HAS BEEN WORKING CLOSELY WITH TREASURY ON CERAMIC WALL TILE PROBLEM AS IN OTHER PENDING COUNTERVAILING DUTY CASES. EMBASSY CAN BE ASSURED THAT DEPARTMENT AND TREASURY ARE FULLY AWARE OF POLITICAL REPERCUSSIONS OF THESE CASES, NOT ONLY IN THE PHILIPPINES BUT IN ALL COUNTRIES WHOSE PRODUCTS ARE INVOLVED IN SUCH INVESTIGATIONS. U.S. COUNTERVAILING DUTY LAW AND SPECIFICALLY DEFINITION OF "BOUNTY OR GRANT" ARE DEFINED NOT ONLY BY STATUTORY LANGUAGE, BUT ALSO BY CASE LAW, LEGISLATIVE HISTORY, AND TREASURY PRECEDENT. EMBASSY IS REMINDED THAT NEGOTIATION OF INTERNATIONAL AGREEMENT ON USE OF SUBSIDIES AND IMPOSITION OF COUNTERVAILING DUTIES IS ONE OF PRIMARY U.S. OBJECTIVES IN CURRENT ROUND OF MTN, AND WAS REFERRED TO IN SECRETARY'S SPEECH TO UN SPECIAL SESSION AS IMPORTANT ASPECT OF EFFORTS TO IMPROVE TRADE RELATIONS WITH DEVELOPING COUNTRIES. ROBINSON

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TAGS: ETRD, RP
To: MANILA
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